

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES MURRAY,

No. C-04-3707 MMC

Plaintiff,

**ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE AND WHY
SANCTIONS SHOULD NOT BE
IMPOSED ON DEFENDANTS**

v.

UNITED STATES OF AMERICA,

Defendant.

_____ /

At the pretrial conference held on January 3, 2006 with respect to the upcoming court trial in the instant action, the Court noted the parties' failure to comply with the Court's Pretrial Preparation Order, filed February 22, 2005, and ordered that all pretrial papers be filed no later than February 8, 2006. Pursuant to the Pretrial Preparation Order, both parties were required to file the following documents: (1) proposed findings of fact and conclusions of law; (2) a written narrative statement of the proposed direct testimony of each witness; (3) any motions in limine; (4) a list of exhibits with stipulations and objections; and (5) any other objections to evidence. To date, plaintiff has submitted none of the above-referenced documents, and defendant has failed to submit any witness statements.¹

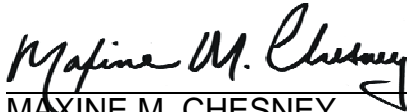
Accordingly, plaintiff is hereby ORDERED TO SHOW CAUSE in writing, no later

¹ Additionally, defendant has not filed the requisite list of exhibits with stipulations and objections. Although that document is a joint filing requiring the participation of the opposing party, defendant should have filed, by February 8, 2006, an explanation for its failure to submit such document.

1 than February 24, 2006, why the instant action should not be dismissed for failure to
2 prosecute, and defendant is hereby ORDERED TO SHOW CAUSE in writing, no later than
3 February 24, 2006, why sanctions should not be imposed for its failure to comply with the
4 Court's order of January 3, 2006.

5 **IT IS SO ORDERED.**

6 Dated: February 15, 2006
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MAXINE M. CHESNEY
United States District Judge